

**REMARKS**

In response to the Office Action dated December 12, 2007, claims 1-20 were rejected. Claims 2 and 13 were amended, and claims 14 and 17 were cancelled without prejudice. No new matter has been added. The amendments are supported, at a minimum, by original claims 14 and 17. Claims 1 and 13 are the only independent claims.

As a preliminary matter, Applicants note that the Office Action asserts Knight (U.S. 4,405,946) as prior art, but fails to list this reference in the form 892. Applicants request that the Examiner list this reference in a new form 892 with the next Office Action, so that the written record is clear.

Claims 2 and 13 were objected to for informalities. Applicants submit that this objection has been overcome by the foregoing amendments.

Claims 1, 2, 5 and 7-9 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Publication No. 2001/0037512 to Flickner in view of U.S. Patent No. 4,405,946 to Knight.

Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as unpatentable over Flickner in view of Knight and further in view of U.S. Patent No. 6,005,640 to Strolle.

Claim 6 was rejected under 35 U.S.C. §103(a) as unpatentable over Flickner in view of Knight and further in view of U.S. Patent No. 5,502,496 to Hailey, Sr. et al.

Claim 10 is rejected under 35 U.S.C. §103(a) as unpatentable over Flickner in view of Knight and further in view of U.S. Patent No. 6,704,060 to Levandowski.

Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over Flickner in view of Knight and further in view of U.S. Patent No. 5,760,842 to Song.

Claims 13, 14, and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over Flickner in view of Knight and further in view of U.S. Patent No. 4,926,477 to Paik. Applicants submit that this rejection is moot regarding claims 14 and 17 which have been canceled.

Claims 15 and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Flickner in view of Knight and further in view of Paik and Strolle.

Claim 18 was rejected under 35 U.S.C. §103(a) as unpatentable Flickner in view of Knight and further in view of Paik and Hailey.

Claims 19 and 20 were rejected under 35 U.S.C. §103(a) as unpatentable over Flickner in view Knight and further in view of Paik and Song.

These rejections are traversed.

Independent claim one states, in part:

a distributor which distributes said received first and second signals to said primary channel selector/demodulator and said secondary channel selector/demodulator; wherein:

when said first signal is received by said input unit, said received first signal is input to said primary channel selector/demodulator without being passed through said distributor; and

**when said second signal is received by said input unit, said received second signal is distributed by said distributor such that it is input to both said primary channel selector/demodulator and said secondary channel selector/demodulator.**

In order to establish *prima facie* obviousness under 35 U.S.C. § 103(a), all the claim limitations must be taught or suggested. Further, “rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006). At a minimum, the cited prior art references do not disclose (expressly or inherently) or suggest the above recited highlighted (bolded) element.

The Office Action, at page 2-4, asserts that FIGS. 6 and 7 of Flickner allegedly disclose various elements of claim 1. Specifically, the Office Action, at page 3, lines 18 and 19, asserts that the above bolded element of claim 1 is allegedly disclosed by **“Elem. 168 receiving RF-A and RF-B as input and selecting between Elements 113 and 118 as outputs.”** Applicants disagree with this interpretation of FIGS. 6 and 7 of Flickner.

It is useful to identify the names of some of the elements in FIGS. 6 and 7, as shown in the following list, noting that the circuits themselves are different:

<u>ELEMENT</u>	<u>FIG. 6 of Flickner</u>	<u>FIG. 7 of Flickner</u>
Diplexer	114	144
Splitter	118	152
A/B Switch	130	158 and 168
Video Tuner	132	162

First, the Office Action appears to improperly mix elements from FIG. 6 (113 and 118) with elements from FIG. 7 (element 168). These figures illustrate distinct circuits. Specifically, paragraph [0046] and [0047] of Flickner state:

[0046] Referring to FIG. 7, a block diagram is depicted of an embodiment of an RF front end of the set top box 30 incorporating the principles of the present invention set forth above. In general, the set top box 30 includes an RF front end, digital and analog demodulators, and digital signal processors. Due to the combination of cable modem and digital video receiver functionality in the same set top box, RF signal processing is complex. The RF front end is thus shown in FIG. 7 and is generally designated 138.

[0047] The RF front end 138 of the set top box 30 (the bi-directional communication device) is coupled to two bands or channels, RF A and RF B. **It is assumed as in FIG. 6, that the RF A band supports bi-directional communication and thus includes the designation "Input/Output", and has analog, digital, and DOCSIS channels. It is further assumed as in FIG. 6, that the RF B band provides analog video only to the RF front end 138.** The RF front end 138 is coupled to the RF A band via an RF connector/interface/port 140. The RF port 140 is coupled to a diplexer 144. The diplexer 144 accepts return data from an RDC amplifier 146. The RDC amplifier 146 accepts RDC data (labeled RDC) and is controlled by an RDC gain control.

**Thus, the only exact match between these figures is their inputs: RF A and RF B.**

Further, Applicants believe that the Office Action misinterprets the function of the A/B switches. For example, in FIG. 6, A/B Switch 130 accepts inputs from the left (from line 128 in the top input and from line 113 in the bottom input, then selects one of these inputs, then outputs the selected signal to the Analog/Digital Video Tuner 132 on the right. The confusion in the Office Action may be caused, in part, because of the internal arrow inside of A/B Switch 130 “points” towards the left. **This internal arrow only represents a path, and does not represent a direction.** Note that mechanical A/B Switches may function in either direction, although electronic switches may only function in one direction.

The direction of information or signal flow in A/B Switch 130 in FIG. 6 is from left to right. The direction of information or signal flow in A/B Switch 158 in FIG. 7 is from left to right. In contrast, the direction of information flow in A/B Switch 168 in FIG. 7 is from right to left. **All three of these switches are used to select from two possible inputs, and to deliver the selected input as a single output. None of these switches have two outputs.**

Thus, Applicants submit that the interpretation of Flickner in the Office Action (“Elem. 168 receiving RF-A and RF-B as input and **selecting between Elements 113 and 118 as outputs**”) is not supported by FIG. 6, is not supported by FIG. 7, and is not supported by the combination of FIGS. 6 and 7.

Additionally, the inputs of A/B Switch 168 do not correspond to RF-A and RF-B. For example, one of the inputs (the lower input) of A/B Switch 168 comes from VCR input 180.

In summary, Flickner does not teach or suggest **“when said second signal is received by said input unit, said received second signal is distributed by said distributor such that it is input to both said primary channel selector/demodulator and said secondary channel selector/demodulator,”** as required by claim 1.

Applicants submit that Knight is directed to combining character representation signals with demodulated base-band signals before remodulation, and does not remedy the deficiencies of Flickner.

Thus, at a minimum, the combination of Flickner and Knight fails to teach or suggest the forgoing second signal distribution element, and therefore claim 1 is allowable over the cited art.

Further, independent claim 13 recites, in part, “when said first signal or said second signal is received, said branch circuit distributes it to said primary channel selector/demodulator and said secondary channel selector/demodulator such that power of a signal input to said primary channel selector/demodulator is larger than power of a signal input to said secondary channel selector/demodulator.”

The Office Action, at page 13, asserts that Paik discloses a splitter which provides an uneven split of a CATV signal. However, there is no articulated reasoning with rational underpinning to support the legal conclusion of obviousness for replacing the splitter of Flickner with the uneven power splitter of Paik in the context of the other elements of claim 13.

Under Federal Circuit guidelines, a dependent claim is allowable if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987).

Thus, as independent claims 1 and 13 are allowable for the reasons set forth above, it is respectfully submitted that dependent claims 2-12, 15, 16, and 18-20 are allowable for at least the same reasons as their respective base claims.

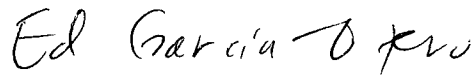
Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues

that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call the undersigned attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Ed Garcia-Otero".

Eduardo Garcia-Otero  
Registration No. 56,609

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 EG:cac  
Facsimile: 202.756.8087  
**Date: April 14, 2008**  
WDC99 1552763-2.058799.0093

**Please recognize our Customer No. 20277  
as our correspondence address.**